



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 6.

An Act for inclosing Lands in *Chapel Allerton*, in the West Riding of the County of *York*.

[11th March 1808.]

WHEREAS there are within the Manor and Township of *Chapel Allerton*, in the Parish of *Leeds* in the West Riding of the County of *York*, several Moors, Commons, and Waste Grounds, containing together by Estimation Eight hundred and eighty Acres, or thereabouts: And whereas *John Dixon* Esquire, is or claims to be sole Lord of the said Manor of *Chapel Allerton*, and as such entitled to the Soil of all the said Moors, Commons, and Waste Grounds: And whereas several other Persons also claim to be entitled to certain Proportions of and in the said Manor of *Chapel Allerton*, and of and in the Soil of the said Moors, Commons, and Waste Grounds: And whereas the said *John Dixon*, Sir *Henry Charles Englefield* Baronet, *James Graham*, *Wade Brown*, *Gamaliel Lloyd* Esquires, and others, are Owners of Messuages, Lands, Tenements, and Hereditaments within the said Manor and Parish, and in respect thereof are or claim to be entitled to Right of Common upon the said Moors, Commons, and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Moors, Commons, and Waste Grounds are, in their present State, incapable of Improvement; and it would be of great Advantage to all Persons interested therein, and likewise of publick Utility, if the same were to be divided

[*Loc. & Per.*]

U

and

and inclosed, and specifick Parts and Shares thereof allotted to such Persons, according to their respective Rights and Interests; but as such Division, Allotment, and Inclosure, cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Moors, Commons, and Waste Grounds within the said Manor and Township of *Chapel Allerton*, shall, as soon as conveniently may be, be set out, divided, and allotted by *William Whitelock*, of *Brotherton* in the said County of *York*, Gentleman, who is appointed by this Act sole Commissioner (or by his Successor to be chosen or appointed as herein-after mentioned) unto and amongst the several Owners and Proprietors and other Persons interested therein, according to their respective Rights, Shares, and Interests, and agreeable to the Directions of this Act, and to the Rules, Orders, and Directions contained in the said recited Act, and subject thereto in all Respects, except in Cases where the same are hereby varied or altered; and that *Jonathan Taylor* of *Leeds* afore said, Land Surveyor, shall be and he is hereby appointed Surveyor, to survey, admeasure, plan, and value upon Oath (pursuant to the several Provisions of the said recited Act) the Lands, Tenements, Moors, Commons, Waste Grounds, old Inclosures, Buildings, and Hereditaments, the Quantity or Value of which it may be necessary to ascertain for the Purposes of this Act, the said Survey, Admeasurement, Plan, and Valuation to be subject nevertheless to the Opinion, Correction, and Determination of the said Commissioner; and in case of the Death, Refusal to act, or Resignation of the said *Jonathan Taylor*, it shall and may be lawful to and for the said Commissioner, or his Successor, and he is hereby authorized to appoint another Person to be such Surveyor as afore said, and so from Time to Time as often as Occasion shall require.

Commis-
sioner.

Surveyor.

Power of
choosing an-
other Com-
missioner, in
case of
Death, &c.

II. And be it further enacted, That if the said *William Whitelock*, the Commissioner appointed by this Act, or any other Commissioner to be appointed in his Stead as herein-after mentioned, shall die, refuse, or become unable to act, before the Powers hereby vested in him shall be executed, then and so often as it shall so happen, the Persons who respectively for the Time being shall be interested in the said Moors, Commons, and Waste Grounds so intended to be divided and inclosed as afore said, or the major Part of them in Value, by and with the Consent of the Lord or Lords of the said Manor for the Time being, shall and may, by themselves or their Agents, within Thirty Days next after such Commissioner shall happen to die, refuse, or become unable to act, at a publick Meeting of the Proprietors or their Agents to be held for that Purpose, of which Ten Days previous Notice shall be given in One of the *Leeds* Newspapers, elect and appoint some other Person (not interested in the said Division and Inclosure) to be a Commissioner in the Room or Stead of him so dying, refusing, or becoming unable to act; and the Person so to be elected shall be invested with and have the same Powers and Authorities in all Respects as the Commissioner whom he shall succeed had, or would have had, if living, to act in the Premises.

Commissioner
to give Notice
of Meetings.

III. And be it further enacted, That the said Commissioner, or the Commissioner to be appointed as afore said, shall and he is hereby required to
give,

give, or cause to be given, publick Notice in the Parish Church of *Leeds* aforesaid, and in the Chapel of *Chapel Allerton* aforesaid, upon some *Sunday* immediately after Divine Service, or by Writing signed by him, to be affixed on the principal Doors of the said Parish Church and Chapel, and also inserted in One or more of the *Leeds* Newspapers, of the Time and Place of his first and every other Attendance for the Execution of this and the said recited Act, at least Ten Days before such Attendance (Meetings by Adjournment only excepted); and that all other Notices necessary or requisite to be made and given by the said Commissioner, shall be so made and given by Notice to be affixed on the principal Door of the Parish Church of *Leeds* aforesaid, and on the Door of the Chapel of *Chapel Allerton* aforesaid, and also by Advertisement to be inserted in One or more of the *Leeds* Newspapers; and that all Meetings or Attendances of the said Commissioner shall be held within the Parish of *Leeds* aforesaid, and not more than Six Miles from *Chapel Allerton* aforesaid; and that the several Proprietors interested in the said Division and Inclosure shall, at all Meetings for executing this Act, pay their own Expences.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the Right to the Soil, or any other Rights and Interests which they or any of them shall have or claim to have, of or in the said Moors, Commons, and Waste Grounds, or touching or concerning any other Matter or Thing relating to the said Division, Allotments, and Inclosure, it shall and may be lawful to and for the said Commissioner for the Time being, and he is hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioner to settle Disputes, but not determine Titles.

V. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Commissioner to assess Costs.

VI. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, interested

Persons dissatisfied with the Commission

fi-
ner's De-
termination,
may try their
Rights at
Law.

interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioner, or the Commissioner to be appointed as aforesaid, touching or concerning any Claim or Claims of Right to the Soil of the said Moors, Commons and Waste Grounds, or to any Right of Common of Pasture, or other Right or Interest, in, over, or upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful to and for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the said County of *York*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioner; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politick, Corporate or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims, or other Rights or Interests, in, over, and upon the Lands and Grounds herein directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought within the Space of Two Calendar Months after Objection made, or not proceeded therein as aforesaid, shall be final and conclusive on all Parties.

Determina-
tion of Com-
missioner not
objected to,
or after Trial,
to be final.

Death of
Parties not
to stay Pro-
ceedings at
Law, nor
Trials suspend
the Execution
of the Act.

VII. Provided always, and be it further enacted, That if any of the Parties, Plaintiffs or Defendants in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that no such Difference, Action, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments within the said Manor and Township, shall impede or delay the said Commissioner in the Execution of this Act, but the said Division and Inclosure shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding.

Allotment to
the Lord of
the Manor.

VIII. And be it further enacted, That the said Commissioner, or the Commissioner to be appointed as aforesaid, shall and do (after setting out

out such Roads, Ways, and publick Wells and Watering Places, which he is hereby and by the said recited Act authorized and empowered to set out as he shall think proper and requisite) assign, set out, and allot unto the Lord or Lords as aforesaid of the said Manor of *Chapel Allerton*, such Part or Parts of the said Moors, Commons, and Waste Grounds, as shall contain and be equivalent to One full Sixteenth Part or Share of the said Moors, Commons, and Waste Grounds, as a Compensation and Satisfaction for his or their Right and Interest in and to the Soil of the said Moors, Commons, and Waste Grounds; and shall also, in like Manner (after setting out the same Allotment, and such Roads, Ways, Wells, and Watering Places as aforesaid) set out, assign, and allot the Residue of the said Moors, Commons, and Waste Grounds, unto and amongst all and every the Owners and Proprietors of ancient Messuages and Cottages, and Scites of ancient Messuages and Cottages, and of Tenements suffered to go to decay, and of Lands and Tenements within the said Manor and Township of *Chapel Allerton*, having Right of Common thereon, and to all other Person and Persons having Right of Common thereon, and having duly preferred and made good their respective Claims as aforesaid, in due Proportion to the real Value of their respective Lands and Tenements, to be settled and determined by the Commissioner making the Allotments (in which Valuation no Messuage shall be estimated or valued at more than Five Pounds, nor any Cottage at more than Three Pounds); and shall and may plot and lay out the Allotments to be made to each respective Proprietor as nearly together, and as near his, her, and their ancient Messuages, Cottages, Lands, and Tenements as conveniently may be.

Allotments to
the several
Proprietors.

IX. And be it further enacted, That it shall be lawful for the said Commissioner, or his Successor, at any Time before the Execution of the said Award, by Notice in Writing under his Hand, to be affixed on the principal Door of the said Parish Church of *Leeds*, and on the Door of the Chapel of *Chapel Allerton* aforesaid, to order and direct all or any Part of the Rights of Common, in, over, or upon the Lands and Grounds hereby directed to be divided and inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioner shall by such Writing order and direct to be extinguished or suspended, shall, from the Time to be mentioned in such Writing, cease, determine, and be extinguished, or be suspended.

For extin-
guishing
Rights of
Common.

X. And be it further enacted, That the said Commissioner and his Successor is hereby authorized and empowered to order and direct to be widened, scoured, or cleansed, and to be made, any new Watercourses, Ditches, or Drains, in, through, over, or upon the Lands and Grounds hereby intended to be inclosed, and by his Award to direct by whom and at whose Expence and in what Manner such Watercourses, Ditches, and Drains shall be thereafter repaired, cleansed, and scoured.

Commission-
er may widen
and make
Water-
courses, &c.

XI. And be it further enacted, That all and every Lease and Leases or other Agreements at Rack Rent subsisting, of all or any Part or Parts of any Messuages, Lands, Tenements, or Hereditaments within the Manor or Township of *Chapel Allerton* aforesaid, for any Term or Number of Years unexpired, shall immediately upon such Allotments being made, or

For vacating
Leases at
Rack Rent.

[Loc. & Per.]

X

at

at such other Time as the said Commissioner shall by his said Award direct, cease, determine, and be void, in respect of the said Commons and Waste Grounds, or of any Lands or Grounds to be exchanged in pursuance of this Act, the respective Owners and Proprietors of the said Messuages, Lands, Tenements, or Hereditaments so in Lease as aforesaid, making such Satisfaction to the Lessee or Lessees, Tenant or Tenants, as the said Commissioner shall direct or appoint on Account thereof, or as an Equivalent for the same: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Manor or Township, and Part in any adjoining Manor or Township, all and every such Lease and Leases at Rack Rent now subsisting may be vacated; but where such Land shall have been taken in Exchange, and shall be under Lease, and wholly situate in an adjoining or other Manor or Township, the Lease of such last-mentioned Land shall not be vacated.

Encroach-
ments.

XII. And be it further enacted, That all Encroachments of, from, or upon the said Moors, Commons, and Waste Grounds, which have been made or inclosed within Sixty Years next before the passing of this Act, shall be considered and are hereby deemed to be Part of the said Moors, Commons, and Waste Grounds, and shall be surveyed, measured, divided, and allotted as Part thereof, in Manner herein after directed: Provided nevertheless, that in case any Encroachments have been made within Twenty Years, to be computed from the Time aforesaid, whereon any Cottages, Buildings, or Erections shall be built or erected, every such Encroachment shall be allotted to the Proprietor or respective Proprietors of such Cottages, Buildings, or Erections, in full or part Satisfaction of the Right of Common or other Interest which such Proprietor or respective Proprietors shall be entitled unto, in respect of other his Lands, Tenements, or Hereditaments within the said Manor and Township; but in case such Proprietor or respective Proprietors as aforesaid shall not be entitled to any Allotment, or shall be entitled to an Allotment which shall not be equal in Value to the Encroachment or respective Encroachments so made as aforesaid, then on Payment on Demand by the said Proprietor or respective Proprietors as aforesaid to the said Commissioner, or the Commissioner to be appointed as aforesaid, of such Sum or Sums of Money as he shall adjudge to be a just and equitable Compensation or Consideration for such Land or Ground so encroached as aforesaid, the said Commissioner shall and he is hereby authorized and required to allot and award the same Encroachment or respective Encroachments to the Proprietor or respective Proprietors thereof, his, her, or their Heirs and Assigns: Provided also, that in case any Encroachments have been made or inclosed above Twenty Years and within Sixty Years, to be computed from the Time aforesaid, the said Commissioner shall allot and award the same to the Proprietor or respective Proprietors thereof, in part or in full Satisfaction of his, her, or their Right of Common or other Interest, in, upon, or in respect of the said Moors, Commons, or Waste Grounds, as the said Commissioner shall think proper; but, in case such Encroachment or respective Encroachments shall, in the Estimation of the said Commissioner, exceed in Value the Allotment or respective Allotments which such Proprietor or respective Proprietors ought to receive, then on Payment by the said Proprietor or respective Proprietors to the said Commissioner of such Sum or Sums of Money as he shall deem a just and equitable Consideration and Compensation for the Land or Ground so encroached, the said Commissioner shall

shall and he is hereby authorized and required to allot and award the same to the Proprietor or respective Proprietors thereof, his, her, or their Heirs or Assigns: Provided also, that in case Default shall happen to be made in Payment of the said Sum or Sums of Money, at the Time or Times to be appointed by the said Commissioner for Payment thereof respectively, it shall and may be lawful to and for the said Commissioner, or the Commissioner to be appointed as aforesaid, to sell either by publick Auction or private Contract the Whole or such Part or Parts of the said Encroachment or respective Encroachments, in respect of which the said Sum or Sums of Money shall not have been paid as aforesaid, to any other Person or Persons whomsoever, and on Receipt of the Purchase Money for the same, shall allot such Part or Parts of the said Encroachments as shall be so sold as aforesaid to the Purchaser or respective Purchasers thereof, his, her, or their Heirs and Assigns, or as he, she, or they shall direct; and it is hereby declared, that the Receipt and Receipts, Discharge and Discharges, or other Acquittance under the Hand of the said Commissioner, or the Commissioner to be appointed as aforesaid, shall be valid and effectual to the Purchaser and respective Purchasers as aforesaid, for so much Money as shall in such Receipt or Receipts be acknowledged or expressed to be received; and the said Purchaser or Purchasers shall not be obliged to see to the Application of the said Purchase Monies, or any Part thereof, or be answerable for the Misapplication or Non-application thereof; and that when and as often as such Sum or Sums of Money shall be received by the said Commissioner, or the Commissioner to be appointed as aforesaid, he shall apply the same in or towards defraying the Charges and Expences incurred in and about the obtaining and carrying into Execution this Act, as far as the same will extend, and that the Deficiency only shall be paid and borne by the Persons interested in the said Lands and Grounds so intended to be divided; any Thing in this Act contained to the contrary thereof notwithstanding.

XIII. And be it further enacted, That it shall and may be lawful to and Exchanges for the said Commissioner and his Successor to set out, allot, and award may be made. any Lands, Tenements, or Hereditaments whatsoever within the said Manor and Township of *Chapel Allerton*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Manor and Township, or within any adjoining Parish, Hamlet, Township, or Place; provided, that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent in Writing of the Owner or Owners, Proprietor or Proprietors, for the Time being seized of or entitled in Possession to the Lands, Tenements, or Hereditaments which shall be so exchanged, or to the actual Receipt of the Rents, Issues, and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees, for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas or otherwise disabled to act

Expences of
Exchanges
how to be
paid.

act for themselves, himself, or herself; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of the Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Archbishop or Bishop of the Diocese in which such Lands, Tenements, and Hereditaments so be exchanged shall lie or be situate: Provided always, that the Costs, Charges, and Expences attending the making and completing any Exchanges or Partitions shall be paid and borne by the several Persons, Bodies Politick, Corporate, or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioner shall order and direct.

Wills and
Settlements
not to be
affected.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Lands, Tenements, and Hereditaments, to be divided, allotted, or exchanged, by virtue of this Act, or any Part thereof, but that each and every Proprietor shall stand and be seised of the several Lands, Tenements, and Hereditaments to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Lands, Tenements, and Hereditaments whereof such Proprietor was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been made.

Award to be
inrolled.

XV. And be it further enacted, That the Award of the said Commissioner, or his Successor, to be formed and drawn up pursuant to the Directions of the said recited Act, shall be inrolled in the publick Register Office kept at *Wakefield* in and for the West Riding of the said County of *York*, and when so inrolled shall be lodged in the Box or Chest kept within the Parish Church of *Leeds* aforesaid; to the End that Recourse may be had thereto by any Person or Persons interested in the said Inclosure, who are hereby empowered to inspect the same, on Payment of One Shilling for every such Inspection; and the Register for the Time being, or his Deputy, is hereby required to inrol the said Award or Instrument in the proper Book for the Inrolment of such Instruments in the said Office; and a true Copy of such Inrolment, or of any Part or Parts thereof, under the Hand of the said Register, or his Deputy, shall be admitted and allowed as legal Evidence in all Courts and upon all Occasions whatsoever, and which Copy the said Register, or his Deputy for the Time being, is hereby required to make, attest, and deliver to any Person or Persons requesting the same, he or they paying for such Copy after the Rate of Sixpence for every One hundred Words; and the said Register, or his Deputy, shall be entitled to such Fees for such Inrolment as are allowed him by the Act for inrolling any Bargain and Sale; and the said Register, or his Deputy, shall permit any Person or Persons, within the Office Hours of Attendance, to peruse and inspect the Inrolment at the said publick Office,

Office, he or they, paying for every such Perusal and Inspection Two Shillings and no more.

XVI. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed, hedged, ditched, and fenced by and at the Expence of the respective Proprietors with Quicksets or Stone Walls, within such Times as the said Commissioner shall direct; and all such Hedges, Ditches, and Fences shall be made and for ever thereafter be repaired, preserved, and maintained by such Person and Persons, and in such Shares and Proportions and in such Manner as the said Commissioner shall in and by his Award order and direct; and that it shall and may be lawful to and for any of the said Proprietors, after their respective Allotments shall have been marked and staked out by the said Commissioner or his Successor, and before the signing of the said Award, to hedge, ditch, and fence their respective Allotments in such Manner as the said Commissioner or his Successor shall order and direct.

For fencing Allotments.

Proprietors may inclose before Award signed.

XVII. And be it further enacted, That it shall not be lawful for any of the Proprietors, Owners, or Occupiers of any Part of the Lands or Grounds intended to be divided and inclosed, or any other Person or Persons whomsoever, to keep or depasture any Horses, Sheep, or Cattle in any of the Allotments intended to be made in pursuance of this Act, for the Term of Ten Years next after the setting out of such Allotments, unless the Person or Persons so keeping and depasturing such Horses, Sheep, or Cattle, shall first make, or cause or procure to be made, a Hedge or Fence sufficient in the Opinion of the said Commissioner, or of One of the Justices of the Peace for the Borough of *Leeds*, to guard the Quick or other Fences entirely round such Allotments from being cropped or damaged, or from trespassing on the adjoining Allotment by such Horses, Sheep, or Cattle, whether such Quick or other Fences be planted, made, or set by the last-mentioned Owners or Occupiers of such Allotments, or by the Owners or Occupiers of the Allotments adjoining thereto; and that no Person or Persons whomsoever shall depasture, with Horses, Cattle, Sheep, or Lambs, any of the Highways or Lanes which shall be made and set out by virtue of this Act, or allow or permit any Horses, Cattle, Sheep, Lambs, Hogs, Pigs, or Swine to depasture therein for the Term of Ten Years next after the Execution of the said Award; and that if any Person or Persons whomsoever shall depasture his, her, or their Allotment or Allotments with Horses, Sheep, or Cattle, without having made a sufficient Hedge or Fence as aforesaid, or shall graze, depasture, or keep, or permit or suffer to graze or depasture any Horses, Mares, Geldings, Cattle, Sheep, Lambs, Hogs, Pigs, or Swine in any of the Roads, Ways, or Lanes to be set out in pursuance of this Act, within the Space of Ten Years next after the Execution of the said Award, he, she, and they shall forfeit and pay for each Offence the Sum of Ten Shillings for each and every Horse, Mare, and Gelding, and each Head of Cattle, Sheep, Lambs, Pigs, and Swine, which shall be found depasturing or grazing in any of the said Allotments before such sufficient Hedge or Fence be made as aforesaid, and the Sum of Five Shillings for each and every such Horse, Mare, Gelding, and for each and every such Head of Cattle, Sheep, Lambs, Hogs, Pigs, or Swine, which shall be found grazing in the said Lanes, Roads, or Ways, and shall be proved to the Satisfaction of One or more Justices of the Peace for the Borough of *Leeds*

No Cattle, Sheep, &c. to be depastured in Highways or Lanes for Ten Years.

[Loc. & Per.]

Y-Z

to

to have been so depasturing or grazing; and the several Penalties or Sums of Ten Shillings and Five Shillings for each such Offence as aforesaid, the said Justice or Justices shall and they are hereby required to order the Recovery and Application thereof in such Manner as he or they shall and may deem necessary and proper, or it shall and may be lawful for the Pindar belonging to the said Manor or Township to impound such Horses, Mares, Geldings, Cattle, Sheep, Lambs, Hogs, Pigs, and Swine as shall be found grazing in the said Lanes, Roads, or Ways, and to demand the Sum of Five Shillings for each Horse, Mare, or Gelding, and each Head of Cattle, and for each Head of Sheep, Lambs, Hogs, Pigs, and Swine the Sum of Sixpence and no more, over and above his usual Fee, before such Horses, Cattle, Sheep, Lambs, Hogs, Pigs, or Swine, shall be released.

Proprietors
may sell
Allotments
before
Award.

XVIII. And be it further enacted, That it shall and may be lawful for any of the said Proprietors to sell and convey to any Person or Persons his, her, or their Right or Interest in or to the said Moors, Commons, and Waste Grounds, or any Allotment or Allotments to be set out as aforesaid, at any Time before the awarding of the same by the said Commissioner; and the said Commissioner is hereby authorized and required to award the Allotments which shall be so sold and conveyed to the Purchaser or respective Purchasers thereof accordingly.

For defray-
ing the Ex-
pences of
this Act.

XIX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of surveying, planning, admeasuring, dividing, and allotting the Lands and Grounds hereby intended to be divided and inclosed, and of preparing and inrolling the said Award, and all other Charges and Expences in and about carrying this Act into Execution, shall be paid, borne, and defrayed by the said Lord or Lords of the said Manor, and the several Owners and Proprietors of and Persons interested in the said Lands and Grounds so intended to be divided and inclosed as aforesaid, the same to be settled by the Commissioner, or his Successor, at such Time or Times, and in such Proportion and Proportions as he shall, either before or after the Execution of his said Award, order and direct; nevertheless, in the Settlement of such Costs, Charges, and Expences, the said Commissioner is hereby required to have regard to the Value of the several Allotments to be made to the said Lord or Lords of the Manor and Proprietors as aforesaid, and to proportion the same Costs, Charges, and Expences accordingly.

For paying
Interest on
Money ad-
vanced.

XX. And be it further enacted, That if any Person shall lend and advance any Sum or Sums of Money for the Purpose of defraying the Expences of obtaining and passing this Act, or of carrying the same into Execution, every such Person shall be repaid the same, with lawful Interest, out of the First Monies that shall be raised for defraying such Expences.

Commissioner
to lay his
Accounts
before a Jus-
tice once in
every Year.

XXI. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him

him laid before One of His Majesty's Justices of the Peace in and for the said Borough of *Leeds*, or in and for the said County of *York*; to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

XXII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act, then and in every such Case (except as to such Claims, Matters, and Things as are herein-before directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or where any of the Clauses or Provisions of the said recited Act or of this Act shall express that the same shall be final and conclusive) he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held in and for the West Riding of the County of *York* within Two Calendar Months next after the Cause of Complaint shall have arisen, on giving Fourteen Days Notice to the said Commissioner of such Appeal; and the Justices in their said Quarter Sessions, on Proof of due Notice of the said Appeal, and the Matter and Cause thereof, are hereby required to hear and determine the same, and to make such Order therein, and award such Costs as to them shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties, or Person or Persons liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale; which Determination of the said Justices shall be final, binding, and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or otherwise, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Power of
Appeal.

XXIII. Provided always, and be it further enacted and declared, That nothing herein contained shall extend, or be construed to extend, to prejudice or defeat the Right, Title, or Interest of the said *John Dixon* to the Whole, or of the said other Persons claiming to be Lord or Lords of the said Manor, to his or their respective Parts or Shares of the said Manor and Soil of the said several Moors, Commons, and Waste Grounds, but that such Claims shall and may be prosecuted and be considered as valid and effectual as the same respectively were previous to the passing of this Act: Provided further, that the Claims of such Person so claiming to be Lord or Lords as aforesaid, shall be prosecuted within Eighteen Months after the passing of this Act, and before the said Commissioner shall make his said Award, or otherwise the Claims of the said several Persons shall be considered to be abandoned, and no Claim to be thereafter made shall be considered as valid by any Court whatsoever.

Saving to
Lords of
Manors.

XXIV. And be it further enacted and declared, That nothing herein contained shall be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the said *John Dixon*, his Heirs and Assigns, or the Person or Persons claiming to be Lord or Lords as aforesaid, of, in, or to the Seigniority and Royalties belonging to him or them, as Lords of the Manor

Saving of
Rights of
Seigniories
and Royalties.

Manor of *Chapel Allerton* aforesaid, but that the present Lord or Lords, and all future or other Lords of the said Manor, shall and may, from Time to Time and at all Times for ever hereafter, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts and other Royalties and Seigniories to the same Manor belonging or appertaining, as fully, amply, and beneficially, to all Intents and Purposes, as he or they, or any other Lord or Lords, might or could have had, held, and enjoyed the same in case this Act had not been made, other than and except such Right of Common or Soil as could or might be claimed by him or them respectively as Lord or Lords of the same Manor or otherwise, in, upon, within, or under any of the Lands and Grounds so intended to be divided, allotted, and inclosed by virtue of this Act.

General
Saving.

XXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than such as are meant, intended, and hereby expressly barred by this Act), as they, every, or any of them, had and enjoyed, of, in, to, or in respect of the said Moors, Commons, and Waste Grounds so intended to be inclosed, before the passing of this Act, or could or ought to have had and enjoyed in case the same had not been made.

For printing
the Act by
the King's
Printer.

XXVI. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty; and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.